

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

BILLY G. ASEMANI¹,

Petitioner

v.

TOM RIDGE, ET AL.,

Defendants

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:
: CIVIL NO. 3:CV-04-135
:
: (Judge Kosik)
:
:

ORDER

AND NOW, THIS 18th DAY OF NOVEMBER, 2005, upon consideration of the facts that:

(1) Petitioner filed this habeas corpus action pursuant to 28 U.S.C. § 2241 on January 21, 2004, against Tom Ridge, former Secretary of the Department of Homeland Security, and other immigration officials; (2) on January 30, 2004, this court transferred the petition to the United States Court of Appeals pursuant to 28 U.S.C. § 1631 (Doc. 6); (3) following Petitioner's appeal from the January 30, 2004 Order, the Third Circuit Court of Appeals issued a decision on July 22, 2005, vacating the transfer Order and remanding the matter back to this court with the directive that the case be dismissed for lack of jurisdiction; and (4) the Third Circuit's mandate was docketed in this action on November 16, 2005, and the matter reopened in this court for

¹ Petitioner also goes under the name of "Ghafour Asemani."

the purpose of following the Third Circuit's directive, **IT IS HEREBY ORDERED THAT** the above action is hereby dismissed for lack of jurisdiction for failure to exhaust administrative remedies in accordance with the July 22, 2005 decision of the United States Court of Appeals for the Third Circuit.²

s/Edwin M. Kosik
United States District Judge

EMK:lq

² This court will dispense with a lengthy Memorandum setting forth the factual background of this matter. The Third Circuit's decision thoroughly sets forth the history of the case and the reasons underlying the basis for dismissal of the action in this court - - specifically, lack of jurisdiction over the petition due to Petitioner's failure to exhaust administrative remedies. (Doc. 13, Third Circuit Court of Appeals Op. at 13-17.)